

App. No. 09/814,441
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Amendments to the Drawings

None

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Remarks

Applicant thanks the Examiner for the Written Office Action. In particular, Applicant expresses appreciation for the time and attention devoted to the present application.

With regards the substantive portion of the Written Office Action, Claims 1 – 33 were rejected. In particular, Claims 1 – 33 were rejected under 35 USC 103(a) as unpatentable over Alloul et al. (US Patent No: 6,023,130) in view of Montague (US Patent No: 6,298,332), as described in a previous Office Action dated 3/05/04 for Claims 1 – 11, 16 – 18, 20 – 25, 27, 30, and 32, and as described in the present Office Action for the balance of the claims.

Claims 1, 2, 7, 8, 11, 12, 14, 15, 19, 22, 25, and 26 are amended and find support in paragraphs 33, 35, and 36 of the specification. Applicant believes the claims as amended are not disclosed nor fairly suggested by either Alloul et al. or Montague and are therefore in condition for allowance. Further, Applicant presents the following arguments regarding rejection of Claims 1 – 33 under 35 USC 103(a) as unpatentable over Alloul et al. in view of Montague. In particular, Applicant believes that Alloul et al. and Montague are not properly combinable under 35 USC 103(a). Further, Applicant believes that Alloul et al. and/or Montague do not disclose all of the claim limitations of the present application. Still further, Applicant believes that Alloul et al. does not disclose the limitations of at least Claims 3, 5, 6, 11, 20, 28, 29, 31, and 33.

As cited in MPEP 2143.01, “[t]here are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art.” In re Rouffet, 149 F.3d 1350,

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1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). The Office Action cites "the motivation of electronically initiating a purchase of an item using a computer on a network." Applicant respectfully submits that Montague is not directed to the problem of electronically initiating a purchase of an item using a computer on a network, instead Montague is directed to after-purchase use of a memory device for providing means for a vendor and purchaser to exchange information (Montague Abstract, Figure 9, and col. 1 line 54 – col. 2 line 51). Further, the present application is not directed to electronically initiating a purchase of an item using a computer on a network wherein the present application has no need of a network to function. Therefore, Applicant respectfully submits that Alloul et al. and Montague can not be properly combined in rejection of the present application and that Claims 1 – 33 are in condition for allowance.

Further, Applicant respectfully submits that Alloul et al. does not disclose "two sets of images, a first set comprising an image of an object and a second set comprising an image of a saleable item related to the object" as required by Claim 3. In asserting such disclosure, the Office Action cites to col. 1 lines 32 – 46. However, Alloul et al. never mentions related sets of images as described in the present application, not in the passage cited, nor in any other portion of Alloul et al.. Therefore, Applicant respectfully submits that Claim 3 is in condition for allowance.

More, Applicant respectfully submits that Alloul et al. does not disclose "wherein the item image further comprises an electronic switch means activatable with an input device in communication with the processor for enabling the selection step" as required by Claims 5 and 6. In asserting such disclosure, the Office Action cites to col. 5 lines 36 – 41. However, Alloul et al. never mentions including an electronic switch means in an

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item image, not in the passage cited, nor in any other portion of Alloul et al.. While Alloul et al. discloses using selection devices and a screen having images of items, Alloul et al. never discloses selecting the item by using a selection device on some portion of the image of the item. Therefore, Applicant respectfully submits that Claims 5 and 6 are in condition for allowance.

Still further, Applicant respectfully submits that Alloul et al. does not disclose “offering a plurality of choices of material for display, including a virtual-reality tour of a site, a set of stil images, and promotional information” as required by Claim 11. In asserting such disclosure, the Office Action cites to col. 1 lines 32 – 46. However, Alloul et al. never mentions a virtual-reality tour of a site, not in the passage cited, nor in any other portion of Alloul et al.. Therefore, Applicant respectfully submits that Claim 11 is in condition for allowance.

Still more, Applicant respectfully submits that Alloul et al. does not disclose “means for displaying a shopping cart comprising an item identifier and purchasing data associated therewith along the visual images” as required by Claim 20. In asserting such disclosure, the Office Action cites to col. 5 line 58 – col. 6 line 36. However, Alloul et al. never mentions including visual images along with the item identifier in the shopping cart, not in the passage cited, nor in any other portion of Alloul et al.. While Alloul et al. discloses a shopping cart including a “list of items,” Alloul et al. never discloses accompanying the item list with images associated therewith. Therefore, Applicant respectfully submits that Claim 20 is in condition for allowance.


Still yet further, Applicant respectfully submits that Alloul et al. does not disclose “providing a reminder at processor startup” as required by Claims 28, 29, 31 and 33. In

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asserting such disclosure, the Office Action cites to col. 6 lines 19 – 21. However, Alloul et al. never mentions providing a reminder at processor startup, not in the passage cited, nor in any other portion of Alloul et al.. While Alloul et al. discloses keeping a record of yet un-purchased selections and displaying this record upon startup of the application, Alloul et al. never discloses the same on startup of the processor. Therefore, Applicant respectfully submits that Claims 28, 29, 31 and 33 are in condition for allowance.

For these reasons, it is believed that none of the prior art teaches the claimed invention. Furthermore, it is believed that the foregoing amendment has adequate support in the specification, and accordingly there should be no new matter. Applicant believes the pending claims have addressed each of the issues pointed out by the Examiner in the Office Action. In light of the foregoing amendment, the claims should be in a condition for allowance. Should the Examiner wish to discuss any of the proposed changes, Applicant again invites the Examiner to do so by telephone conference.

Respectfully Submitted,


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